

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Misc. Case No. 18-mc-50319

Criminal No. 15-cr-20160

Hon. Matthew F. Leitman

D-1, CLELAN T. JONES,

Defendant,

Thomas F. Vasicek,

Third-Party Petitioner,

\_\_\_\_\_ /

**STIPULATED CONSENT JUDGMENT  
AND FINAL ORDER OF FORFEITURE**

On or about October 16, 2017, in the underlying criminal case, *United States vs. Clelan T. Jones*, Case No. 15-cr-20160, Defendant Clelan T. Jones pleaded guilty to Count One of the Indictment, which charged him with Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1). (Case No. 15-cr-20160, Dkt. No. 22).

The Court entered a Preliminary Order of Forfeiture (POF) against Defendant on January 31, 2018, (Case No. 15-cr-20160, Dkt. No. 24), forfeiting to the United States One (1) Glock Inc., 23 Pistol, CAL:40, Serial Number: CZL680US (hereinafter “Subject Firearm”).

On or about March 8, 2018 Defendant was sentenced and a Criminal Judgment was entered which included the forfeiture of the Subject Firearm. (Dkt. # 24).

As provided in the Order of Forfeiture, the Government, pursuant to 21 U.S.C. § 853(n), Rule 32.2 of the Federal Rules of Criminal Procedure, and other applicable rules, published notice of the POF on [www.forfeiture.gov](http://www.forfeiture.gov), and provided direct written notice to all persons and entities known to have an interest in the subject property, directing that any person asserting a legal interest in the subject property must file a petition with the Court within 60 days of the first date of publication or within 30 days of receipt of actual notice, whichever is earlier.

On or about February 26, 2018, Petitioner Thomas F. Vasicek (Petitioner) filed a petition for a hearing pursuant to 21 U.S.C. § 853(n), in which he alleged an ownership interest in the Subject Firearm, and the instant miscellaneous case was opened. (Dkt. No. 1).

Notice and publication have been completed in the criminal case. (Case No. 15-cr-20160, Dkt No. 31). No other petitions claiming interest in the Subject Firearm have been filed by any party with the United States District Court in this judicial action, and the time for filing such pleadings has expired. Thus, forfeiture is final as to Defendant and all other potential parties.

The Government has conducted a background investigation, including an interview of Petitioner by the ATF, and determined that it is satisfied as to the truth of Mr. Vasicek's stated ownership claim in the Subject Firearm, and that Petitioner is not

currently prohibited by law from possessing the Subject Firearm.

Mr. Vasicek acknowledges that he is aware of his rights in this forfeiture action, that he understands that he may retain an attorney to represent him, and that he has elected not to retain an attorney to represent him, and to proceed with his petition claim in this action *pro se*.

Plaintiff, the United States of America, and Petitioner, *in pro per*, wish to resolve this matter without further litigation and expense.

NOW THEREFORE, IT IS STIPULATED by and between the parties as follows:

1) This action is an ancillary forfeiture proceeding brought pursuant to 21 U.S.C. § 853(n) arising from the criminal forfeiture of the Subject Firearm in the underlying criminal case, and this Court has jurisdiction over this proceeding pursuant to 21 U.S.C. § 853.

2) Pursuant to 32.2(c) and the Preliminary Order of Forfeiture, the Parties hereby stipulate that the Subject Firearm, **one (1) Glock Inc., 23 Pistol, CAL:40, Serial Number: CZL680US**, seized in this matter belongs to third-party petitioner, Thomas F. Vasicek.

3) Petitioner hereby knowingly and voluntarily waives any and all right to reimbursement by the United States of any reasonable litigation costs in connection with this miscellaneous proceeding under 28 U.S.C. § 2465(b)(1)(A) or any other statute that might conceivably apply.

4) Petitioner agrees to release, remise and discharge plaintiff, the United States of America, and any of its agencies involved in this matter, including the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the United States Attorney's Office, and their agents, officers and employees, past and present, from all claims or causes of action which Petitioner and his agents, officers, employees, assignees and/or successors in interest may have, may have had or may have on account of the events or circumstances giving rise to the above-captioned action.

5) Pursuant to 32.2(c) and the Preliminary Order of Forfeiture, the Subject Firearm, **one (1) Glock Inc., 23 Pistol, CAL:40, Serial Number: CZL680US**, shall be returned to third-party petitioner, Thomas F. Vasicek.

6) Upon entry of this Consent Judgment, the United States will submit in Criminal Case 15-cr-20160 its Application for Entry of a Final Order of Forfeiture that addresses the disposition of the instant third-party petition.

THIS AGREEMENT MAY BE EXECUTED IN TWO OR MORE  
COUNTERPARTS, EACH OF WHICH SHALL BE DEEMED AN  
ORIGINAL, BUT ALL OF WHICH TOGETHER, SHALL  
CONSTITUTE ONE AND THE SAME INSTRUMENT.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: April 24, 2018

MATTHEW SCHNEIDER  
United States Attorney

/s/Shankar Ramamurthy  
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Illinois Bar No. 6306790

Dated: March 29, 2018

/s/Thomas F. Vasicek, see attached page  
THOMAS F. VASICEK  
Third-Party Petitioner, Pro Se  
1116 Kingston Avenue  
Flint, Michigan 48507

Dated: March 29, 2018

THIS AGREEMENT MAY BE EXECUTED IN TWO OR MORE COUNTERPARTS, EACH OF WHICH SHALL BE DEEMED AN ORIGINAL, BUT ALL OF WHICH TOGETHER, SHALL CONSTITUTE ONE AND THE SAME INSTRUMENT.

IT IS SO ORDERED.

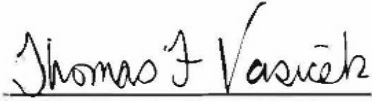
Dated: March \_\_\_\_, 2018  
Ann Arbor, Michigan

MATTHEW F. LEITMAN  
United States District Judge

MATTHEW SCHNEIDER  
United States Attorney

  
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Illinois Bar No. 6306790

Dated: March 29, 2018

  
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Third-Party Petitioner, Pro Se  
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